IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17076 of 2004

Between:

1) Ayanapurapu Venkata Ramana Rao, S/o late

Chandrasekhara Rao,
2) Ayanapurapu Lakshmi Devi, W/o late Chandrasekhara Rao,
3) Ayanapurapu Sivarama Rao, S/o late Chandrasekhara Rao,
4) Ayanapurapu Lalitha Devi, D/o late Chandrasekhara Rao,
5) Ayanapurapu Hari Babu, S/o late Chandrasekhara Rao,
(All are R/o H.No.2-42, Railway Station Road, Madhira, Khammam District.

.... PETITIONERS

AND

1) The Government of Andhra Pradesh rep., by its

Secretary, Home Department, Govt. of A.P., Secretariat Buildings, Hyderabad.
2) The Chief Commissioner of Land Administration, Govt. of A.P.,
Nampally, Hyderabad.
3) The Director General of Police, Andhra Pradesh,
Lakadikapool, Hyderabad.
4) The Station House Officer, Madhira Town Police Station,
Madhira, Khammam District.
5) The Mandal Revenue Officer,
Madhira Mandal, Madhira, Khammam District.
6) Assistant Executive Engineer, (R&B) Section,
Madhira, Khammam District.
7) The Secretary, Gram Panchayat,
Madhira, Khammam District.
8) Mallaiah Swamy, Sub Inspector,
Madhira Town Police Station, Madhira, Khammam District.

9) Ms.Padmavathi, Mandal Revenue Officer,
Madhira Mandal, Madhira, Khammam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly in the nature of mandamus to declare: i) to declaring that the acts of respondents No.4 and 5 herein are violative of privacy of the petitioners under Article 21 of Constitution of India, arbitrary, unreasonable, capricious, malafide and also violative of Articles 14 and 300 A of Constitution of India and direct them not to interfere with the privacy of the petitioners and in enjoyment of the property bearing D.No.2-42, Railway Station Road, Madhira, Khammam District, by the petitioners, except according to law ii) to direct the respondents 3 and 2 to initiate disciplinary proceedings against respondents 8 and 9 respectively under A.P.Civil Services (Classification, Control and Appeal) Rules, 1991 according to legal notice dated 8/9/2004 iii) to direct the respondent No.1 to pay Rs.1,00,000/- (Rupees One Lakh only) as compensation to the petitioners for violation of their Fundamental Rights under Articles 19(i)(c) and 21 of Constitution of India for illegal acts of respondent Nos.4, 5, 8 and 9 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.POTTIVENKATA RAMANA RAO

Counsel for the Respondents 1 to 7: GP FOR REVENUE

The Court, at the stage of admission, made the following:

ORDER:

The petitioners, earlier approached this Court by way of filing W.P.No.25584 of 2003 when a part of the property was proposed to be demolished by the respondents therein; which was disposed of through the order, dated 04.03.2004. They filed another writ petition, being W.P.No.10137 of 2004, when the respondents therein issued notice, dated 17.06.2004, to remove the structures in the land, and obtained an order of interim suspension of the said notice. The petitioners again filed W.P.No.16552 of 2004 against respondents 1 to 6 and others, in which, a notice was ordered. The 1st petitioner herein also filed a Contempt Case-C.C.No.1209 of 2004, against 6th the respondent herein, for violation of the orders passed in W.P.No.25584 of 2003, in which this Court ordered notice to the respondents. While the above cases are pending, the present writ petition is filed alleging that the 4th and 5th respondents are interfering with their privacy, which is in violation of Article 21 of the Constitution of India, and consequently to direct the respondents 2 and 3,

to initiate disciplinary proceedings against respondents 8 and 9; to direct respondents 1 and 2 to pay compensation of Rs.1,00,000/-.

Learned counsel for the petitioners submits that once the petitioners are issued a legal notice to the respondents and when the same was not replied to, it can be presumed that there is harassment and violation of fundamental rights by the respondents. In support of his contention, he relied upon the Judgment of the Supreme Court in ***KHARAK SINGH V. STATE OF U.P.*** and ***PEOPLE'S UNION FOR CIVIL LIBERTIES V. UNION OFINDIA***, and contends that the petitioners are entitled to be compensated, and that necessary disciplinary action should be initiated against the officials, who are responsible for the said harassment.

Both the Judgments, referred to above, misplaced on the facts, since the facts so established therein resulted in violation of the fundamental rights. Except stating that the petitioners have issued legal notice to the respondents, no other tangible evidence was placed before this Court to establish that there is violation of fundamental rights by the respondents. Admittedly, the petitioners filed three writ petitions and a contempt case, which are pending before this Court, and hence, they can work out their remedies in the above writ petitions.

Accordingly, the writ petition is dismissed. However, if the petitioners feel that 8th and 9th respondents, in any way, are interfering with their rights, they are at liberty to move against them, by way of a private compliant before the concerned Magistrate, and can lead evidence about infraction of fundamental rights, if any, and seek damages against the said persons. No costs.

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A. **GOPAL REDDY, J**

September 23rd, 2004

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To

1) The Secretary, Home Department, Government of Andhra

Pradesh Govt. of A.P., Secretariat Buildings, Hyderabad.
2) The Chief Commissioner of Land Administration, Govt. of A.P.,
Nampally, Hyderabad.
3) The Director General of Police, Andhra Pradesh,
Lakadikapool, Hyderabad.
4) The Station House Officer, Madhira Town Police Station,
Madhira, Khammam District.
5) The Mandal Revenue Officer,
Madhira Mandal, Madhira, Khammam District.
6) The Assistant Executive Engineer, (R&B) Section,
Madhira, Khammam District.
7) The Secretary, Gram Panchayat,
Madhira, Khammam District.
8) 2 CCs to G.P for Revenue, High Court Buildings, Hyd.(OUT)

9) 2 CD copies